

7050

J. Carter  
Proc T

**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D.C. 20548

**FILE:** B-189115

**DATE:** July 19, 1978

**MATTER OF:** Inflated Products Company, Inc.--  
Reconsideration

**DIGEST:**

Decision by United States District Court dismissing complaint raising substantially same issues as raised in protest dismissed by GAO constitutes final adjudication on merits. No further action on request for reconsideration of dismissal will be taken by GAO.

On October 31, 1977, Inflated Products Company, Inc. (IPC), requested reconsideration of our dismissal in Inflated Products Company, Inc., B-189115, October 31, 1977, 77-2 CPD 334, of its protest under solicitation No. DAAK01-77-B-5011 issued by the United States Army Troop Support Command (TROSCOM).

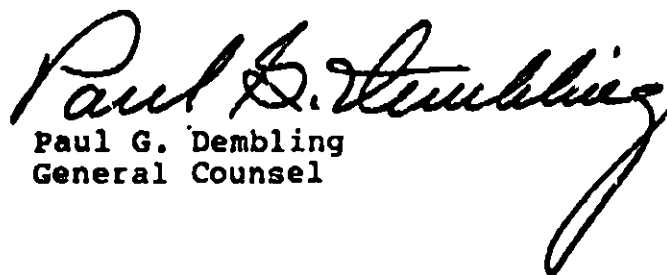
On December 14, 1977, IPC filed a complaint in the United States District Court for the District of Columbia, Inflated Products Company, Inc. v. Harold Brown et. al., Civil No. 77-2128, raising substantially the same issues involved in the dismissed protest. IPC requested a stay of the award of any contract under this solicitation to any other firm to permit this Office to render an opinion on the merits of IPC's protest and also seeking an adjudication on the merits and injunctive relief from the court. IPC's motion for a temporary restraining order was denied on December 17, 1977. On May 5, 1978, the matter came before the court for a trial on the merits advanced and consolidated with a hearing on IPC's motion for a preliminary injunction. On June 6, 1978, judgment was entered for defendants on the merits and IPC's complaint was dismissed.

B-189115

2

The decision of the court in this matter constitutes a final adjudication on the merits barring further action by this Office. See 4 C.F.R. § 20.10 (1977); Perth Amboy Drydock Company, B-184379, November 14, 1975, 75-2 CPD 307.

We are closing our file on the matter without further action.

  
Paul G. Dembling  
General Counsel